IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

WP(C).No. 4531 of 2007(M)

PETITIONER:

KERALA INSTITUTE OF MEDICAL SCIENCES,
REPRESENTED BY ITS EXECUTIVE DIRECTOR,
E.M.NAJEEB, ANAYARA P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.P.K.SURESH KUMAR.

RESPONDENT:

THE UNIVERSITY OF KERALA,
REPRESENTED BY ITS REGISTRAR,
THIRUVANANTHAPURAM.

BY ADV. SRI.M.RAJAGOPALAN NAIR, SC, KERALA UTY.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

prv.

Thottathil B. Radhakrishnan, J.

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W.P.(C)No.4531 of 2007

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Dated this the 28th day of February, 2007.

JUDGMENT

Petitioner, which has sought for affiliation from the Kerala University for certain course, challenges the decision of the University that it has to deposit the title deeds relating to the property on which the institution stands. The anxiety of the University is that the statutory requirements have to be complied with in terms of the University laws. If the petitioner has executed or executes an agreement in favour of the University, agreeing to keep in tact such lands as are required for the purpose of complying with the statutory requirements, that would satisfy the purpose. If such agreement is executed, the University shall not object to the petitioner utilising the remaining property to be provided as security or otherwise for the purpose of availing financial support for the institution. Petitioner will also be entitled to sell properties, which are in excess of what is required for the purpose of complying with the University statutes,

in terms of the University laws. This judgment will not preclude the petitioner from transferring the institution to any other person with the concurrence of the University. Subject to what is stated aforesaid, the University will take a final decision on the request of the petitioner within three weeks from now without insisting on deposit of title deeds.

Writ Petition is disposed of in the above terms.

Thottathil B.Radhakrishnan,
Judge.

sl.